UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

IN RE SCHERING-PLOUGH CORPORATION/ENHANCE SECURITIES LITIGATION	08-CV-397 (DMC) (JAD)
IN RE MERCK & CO., INC., VYTORIN/ZETIA SECURITIES LITIGATION	08-CV-2177 (DMC) (JAD)
IN RE SCHERING-PLOUGH CORP. ENHANCE ERISA LITIGATION	08-CV-1432 (DMC) (JAD)
IN RE MERCK & CO., INC. VYTORIN ERISA LITIGATION	08-CV-1974 (DMC) (JAD)
CAIN V. HASSAN, et al.	08-CV-1022 (DMC) (JAD)
LOCAL NO. 38 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS PENSION FUND v. CLARK, et al.	09-CV-5668 (DMC) (JAD)

FIFTH STIPULATED AMENDMENT TO PRETRIAL SCHEDULING ORDER

WHEREAS, on December 22, 2009, the Court entered a Pretrial Scheduling

Order setting dates for discovery, motion practice, and delivery of expert reports in the abovecaptioned actions; and

WHEREAS, on November 2, 2010, the Court entered a Stipulated Amendment to Pretrial Scheduling Order; and

WHEREAS, on January 4, 2011, the Court entered the Third Stipulated
Amendment to Pretrial Scheduling Order; and

WHEREAS, on February 1, 2011, the Court entered the Fourth Stipulated Amendment to Pretrial Scheduling Order; and

WHEREAS, the parties have mutually agreed to extend the time periods provided in paragraphs 1 and 2 of the Fourth Stipulated Amendment to Pretrial Scheduling Order;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the undersigned parties, that:

- 1. The parties may have until June 3, 2011 to file any motion to amend the pleadings.
- 2. The parties may have until June 3, 2011 to serve upon the other side the maximum of twelve additional interrogatories previously allowed in paragraph 1 of the Stipulated Amendment to Pretrial Scheduling Order. Nothing herein shall be construed to prohibit a party from requesting consent or leave of court to serve additional interrogatories in excess of that amount within the period for fact discovery.
- 3. The parties may have until July 17, 2011 to respond to any interrogatories served under paragraph 2 of this Fifth Stipulated Amendment to the Pretrial Scheduling Order.
- 4. All other dates and provisions of the Pretrial Scheduling Order shall remain in effect.
- 5. This Order may be amended by further stipulation of the parties and Order of the Court.

CARELLA, BYRNE, BAIN, GILFILLAN, TOMPKINS MCGUIRE, WACHENFELD

¹ As per December 22, 2009 Pretrial Scheduling Order and the Third Stipulated Amendment thereto filed January 3, 2011, plaintiffs in the above-captioned action 08-CV-1432 may serve fifteen additional interrogatories.

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Joseph A. Dickson, United Stated Magistrate Judge

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so ordered this day of May, 2011.	

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